

LEONARD GREEN
CLERK

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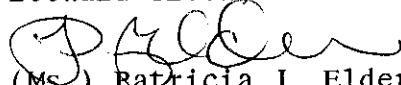
Filed: May 16, 2005

Johnny O. Clark
Special Needs Facility
#220554
7575 Cockrill Bend Road
Nashville, TN 37209-1057

RE: 04-6373
Clark vs. Waller
District Court No. 03-02951✓

Dear Mr. Clark:

Enclosed is a copy of an order which was entered today in the above-styled case.

Very truly yours,
Leonard Green, Clerk

(Ms.) Patricia J. Elder
Senior Case Manager

Enclosure

cc: Honorable J. Daniel Breen
Mr. Robert R. Di Trollo

MAY 16 2005

ORDER

A TRUE COPY.

LEONARD GREEN, Clerk

By [Signature]
Deputy Clerk

A COA shall issue “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). If the district court dismissed the habeas petition on the merits, he must show that “reasonable jurists could debate whether” it “should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (internal quotations omitted).

No. 04-6373

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Clark meets this standard. Accordingly, the application for a certificate of appealability is granted on all of his issues. Leave to proceed *in forma pauperis* is also granted. The clerk's office shall issue a briefing schedule. This court also sua sponte orders that counsel be appointed to represent Clark.

ENTERED BY ORDER OF THE COURT


Clerk



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:03-CV-02951 was distributed by fax, mail, or direct printing on May 23, 2005 to the parties listed.

Johnny O. Clark
220554
7575 Cockrill Bend Blvd.
Nashville, TN 37209--105

Honorable J. Breen
US DISTRICT COURT